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| 10/532,759      | 11/14/2005  | Karl-Heinz Baumann   | 095309.56242US      | 9300             |

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| EXAMINER |
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MCPARTLIN, SARAH BURNHAM

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3636

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05/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/532,759

Applicant(s)

BAUMANN ET AL.

Examiner

Sarah B. McPartlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-27, 30-40, 42-45 is/are rejected.
- 7) ☒ Claim(s) 28,29 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/27/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgement is made of applicant's claim for foreign priority based on application number 1025104027 filed in Germany.

### ***Information Disclosure Statement***

2. The information disclosure statement filed April 27, 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of **each** patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the belt system and the force-limiting system for limiting a belt force must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," **or in the instant case "the invention is related to."**

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5. The use of the trademark ISOFIX has been noted in this application (i.e. in the specification and the abstract). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

6. Claims 23-24, 36-37 and 42 are objected to because of the following informalities:

The following words/phrases lack sufficient antecedent basis:

- the lower transverse strut (claim 23, lines 2-3; claim 36, lines 2-3)
- the clip (claim 24, line 2; claim 37, line 2)
- the upper transverse strut (claim 36, line 2)
- the first end (claim 37, line 1)
- the belt strap (claim 37, line 2)
- the tensioning pulley (claim 42, lines 1-2)

Claims 25-32, 40-42 and 44 are objected to as being dependent upon an objected base claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 30-32 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 states that the child seat further comprises "a force-limiting system for limiting a belt force." Is this system in addition to the three-point seat belt and belt system described in previous claims, or do the three-point seat belt and belt system work together in the form of a force-limiting system? In the interest of compact prosecution, the Examiner has assumed that the three-point seat belt and belt system make up the force-limiting system. Claims 31-32 are rejected as being dependent upon a rejected base claim. Clarification is required.

Claim 45 state that a "fastening system is provided with which the child seat is fastened to the supporting structure of the vehicle." Is this fastening system in addition to the three-point seat belt and belt system described in previous claims? In the interest of compact prosecution, the Examiner has assumed that the 3-point seat belt is the fastening system. Clarification is required.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 17-20, 22-27, 33, 35-40 and 43-45 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 102(e) as being anticipated by Burleigh et al. (US 2003/0047972). With respect to claim 17, Burleigh et al. discloses a child seat (10) for a vehicle seat (un-illustrated) having a three-point seat belt (82)(84) with tightening device (i.e. the pretensioner referred to in paragraph [0039]), the child seat (10) comprising a belt system (40)(42)(56)(58) for securing a child sitting on the child seat (10), wherein the three-point seat belt (82)(84) is coupled to the belt system (40)(42)(56)(58).

With respect to claim 18, a coupling element (98) is connected to the belt system (40)(42)(56)(58) by way of upper transverse strut (90), wherein tightening of the three-point seat belt (82)(84) activates the coupling element (98) causing a tightening of the belt system (40)(42)(56)(58).

With respect to claim 19, the coupling element (98) is a belt strap, a first free end (100) of the belt strap (98) being connected to the three point seat belt (82)(84) at clip (124), and a second free end (unlabeled) of the belt strap (98) being connected to the belt system (40)(42)(56)(58) by way of anchorage point (104).

With respect to claim 20, Burleigh further discloses upper (90) and lower (78) belt deflections, wherein the three-point seat belt (82)(84) is guided about the upper (90) and lower (78) belt deflections, the lower belt deflection being activated when the three-point seat belt is tightened.

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With respect to claim 22, the upper belt deflection (90) is designed as an upper transverse strut.

With respect to claim 23, further comprising two side cheeks (22)(24), wherein the upper transverse strut (90) is connected to the lower transverse strut (12) by the two side cheeks (22)(24).

With respect to claim 24, the first end (100) of the belt strap (98) is fastened to a clip (124).

With respect to claim 25, further comprising a backrest (16), wherein the belt system (40)(42)(56)(58) comprises a harness belt (40)(42) having a Y-distributor (56) provided in the backrest (16).

With respect to claim 26, the second end of the belt strap (98) is fastened to the Y-distributor by way of upper transverse strut (90).

With respect to claim 27, the belt strap (8) is guided via deflecting bars (102)(112).

With respect to claim 33, Burleigh further discloses upper (90) and lower (78) belt deflections, wherein the three-point seat belt (82)(84) is guided about the upper (90) and lower (78) belt deflections, the lower belt deflection being activated when the three-point seat belt is tightened.

With respect to claim 35, wherein the upper deflection (90) is designed as an upper transverse strut.

With respect to claim 36, two side cheeks (22)(24) connect the upper transverse strut (90) to the lower transverse strut (12).



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With respect to claim 37, the first end (100) of the belt strap (98) is fastened to the clip (24).

With respect to claim 38, further comprising a backrest (16), wherein the belt system (40)(42)(56)(58) comprises a harness belt (40)(42) having a Y-distributor (56) provided in the backrest (16).

With respect to claim 39, the second end of the belt strap (98) is fastened to the Y-distributor by way of upper transverse strut (90).

With respect to claim 40, the belt strap (8) is guided via deflecting bars (102)(112).

With respect to claim 43, a force limiting system (98)(124)(102)(90) is disclosed for limiting a belt force.

With respect to claim 44, wherein the force limiting threshold for the belt force is dependent upon the belt length or belt position set by belt strap (98).

With respect to claim 45, a fastening system (80) is provided with which the child seat (10) is fastened to the supporting structure of the vehicle.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 21 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Burleigh et al. (US 2003/0047972) in view of Surot (5,810,435). As disclosed above, Burleigh et al. disclose all claimed elements with the exception of a lower transverse strut wherein the lower belt deflection is designed as a clip which is mounted to the lower transverse strut.

Surot discloses a lower transverse strut (33) with a clip (34) mounted thereto for deflecting a belt (26a).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add a lower transverse strut (33) with a clip (34) for belt (98) to pass through between side cheeks (22)(24). Such a modification would provide extra support for belt portion (98) and maintain belt portion (98) out of chaffing contact with belt system member (42)(40).

13. Claim 42 is under 35 U.S.C. 103(a) as being unpatentable over Burleigh et al. (US 2003/0047972) in view of McFalls (5,398,997). As disclosed above, Burleigh et al. disclose all claimed elements with the exception of a tensioning pulley connected to a latching device via a second belt strap.

McFalls discloses a tensioning pulley (106) connected to a latching device (18) by way of a second belt strap (30)

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add a tensioning pulley and a latching device, as taught by McFalls,

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to the device disclosed by Burleigh et al. Such a modification would enable the user to tighten the system from a front side of the seat.

***Allowable Subject Matter***

14. Claims 28-29 and 41 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claim 30-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Meeker (4,912,818); Takizawa (US 2003/0057753); Yamazaki (6,508,510); Artz (5,292,176) and Boyle (7,077,475).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sarah B. McPartlin  
Patent Examiner  
Art Unit 3636

SBM  
May 1, 2007